REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2-8 are pending in the present application; Claim 1 having been canceled and Claims 2-8 having been amended by way of the present amendment.

In the outstanding Office Action, Claims 1-6 were objected to, Claims 7 and 8 were rejected under 35 U.S.C. § 112, second paragraph, Claims 1 and 6 were rejected under 35 U.S.C. § 102(a) as being anticipated by Birrer et al. (U.S. 2004/0216320), Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Birrer et al. in view of Watt (U.S. 4,750,592) and Silberhorn et al. (U.S. 6,612,403), Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Birrer et al. in view of Watt and Silberhorn et al. as applied to Claims 2 and 3 and further in view of Caputo et al. (U.S. 4,019,606), and Claims 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Birrer et al. in view of Watt and Silberhorn et al. as applied to Claims 2 and 3 and further in view of Miyai et al. (U.S. 5,825,793).

Applicants acknowledge with appreciation the courtesy of an interview extended to Applicants' representative, James Kulbaski, and Masaru Tiara by SPE Benson and Examiner Chan on December 5, 2008, during which the outstanding prior art rejections were discussed. During the interview, the PTO explained that independent Claim 1 could be broadly interpreted so that the joint that was detected happened to correspond to a joint of the magnetic poles. The PTO suggested that the claims be amended to more clearly recite that the joint detection portion detects a presence of a joint of the unit rails.

Based on the suggestion during the interview, independent Claim 6 has been amended to recite that the joint detecting portion detects the presence of a joint "of the unit rails." In order to expedite prosecution of this application, Claim 1 has been canceled.

Even if <u>Birrer et al.</u> is interpreted to have the joint of the code marks to be coincident to the joint of a guide rail, there is no detection of the joint of a guide rail, as recited in the amended form of independent Claim 6.

Because the magnetic strip 10 of <u>Birrer et al.</u> and the code marks 21 of the code mark pattern 20 are not a joint of the guide rail, the features of the amended form on the independent claims is neither disclosed nor suggested by <u>Birrer et al</u>.

Accordingly, the rejection of independent Claim 6 under 35 U.S.C. § 102(a) as being anticipated by <u>Birrer et al.</u> is respectfully requested to be withdrawn.

The dependent claims are patentable at least because of the reasons the independent claims from which they depend are patentable. Accordingly, each of the prior art rejections is respectfully requested to be withdrawn.

Claims 1 and 6 are objected to because of the use of the term "presence/absence." In response to this objection, the term has been changed to "an existence" in Claim 6.

Accordingly, the objection to Claims 1-6 is respectfully requested to be withdrawn.
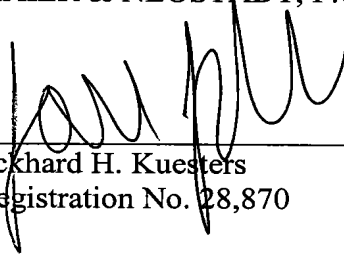
Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite because of a lack of antecedent basis for the term "the light projecting portion." Claims 7 and 8 have been reviewed and the antecedent basis issue is corrected.

Accordingly, the rejection of Claims 7 and 8 is respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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